



## Attorney General of New Mexico

**GARY K. KING**  
Attorney General

**ALBERT J. LAMA**  
Chief Deputy Attorney General

February 18, 2013

Matthew Stackpole, Esq.  
Assistant General Counsel  
Office of the Governor  
State Capitol - Room 400  
Santa Fe, New Mexico 87501

**Re: Inspection of Public Records Act Complaint – Mr. Joey Peters**

Dear Mr. Stackpole:

This letter is to acknowledge receipt of your February 12, 2013 letter regarding this Office's February 5, 2013 determination that the Governor's Office response to Mr. Peter's IPRA request was insufficient because it did not clearly cover any responsive public records in the private e-mail accounts of the public officials identified in the request.

In your letter, you again state the "Office of the Governor did not withhold or deny any responsive public documents *held by our Office* under any privilege or statutory exception"(emphasis added). Again, we state that may be true with respect to the Office of the Governor, but your response did not make clear whether Governor Martínez, Chief of Staff Keith Gardner, Deputy Chief of Staff Ryan Canglioni, and Communications Director Scott Darnell had e-mails relating to public business, created or maintained *in their respective susanapac or other private e-mail accounts* that also were responsive to Mr. Peters' request. Such public records, to the extent they exist, were *held on behalf of* the Office of the Governor and are subject to disclosure. For that reason, we urged Ms. Cason to confer with Governor Martínez and Messrs. Gardner, Canglioni and Darnell, and solicit from them any e-mails *held in their respective susanapac or other private e-mail accounts* as identified in Mr. Peters' request. If such e-mails relating to public business are found in the private e-mail accounts, these should be made available or a denial letter that includes all the information required by Section 14-2-11(C) should be sent to Mr. Peters immediately.

Matthew Stackpole, Esq.

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Thank you for your cooperation. Should you have any questions, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Sally Malavé". The signature is written in dark ink and is positioned above the printed name and title.

Sally Malavé

Assistant Attorney General

✓ Cc: Mr. Joey Peters, Santa Fe Reporter